

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRECOR INCORPORATED, a Delaware
corporation; and LARRY D. MILLER, an
individual,

Plaintiffs,

v.

FITNESS QUEST, INC., a Delaware
corporation,

Defendant.

Case No. C05-0993L

ORDER ON MOTION
TO ADD DEFENDANT

This matter comes before the Court on “Plaintiffs’ Motion to Add Additional Defendant” (Dkt. # 16). Fitness Quest has licensed the “New Balance” brand to market its 8.0e Elliptical Trainer. New Balance Athletic Shoe, Inc. has the power of approval of the devices and also advertises the product on its website and in press releases. The Court holds that this involvement satisfies 35 U.S.C. § 271(c) (implicating “[w]hoever offers to sell or sells” an infringing device as a “contributory infringer”). Therefore, IT IS HEREBY ORDERED that defendant’s motion to add defendant is GRANTED.

DATED this 21st day of November, 2005.



Robert S. Lasnik
United States District Judge